

# House of Representatives

# Supplementary Order Paper

Tuesday, 16 October 2018

## Courts Matters Bill

### *Proposed amendments*

Hon Aupito William Sio, in Committee, to move the following amendments:

#### *Clause 2*

In *clause 2(1)*, replace—

- (a) “**11 to 22, 28, 29, 31A, 32, 33, 33A, 61, 65**” (page 9, lines 5 and 6) with “**11 to 21, 25A, 28, 29, 31A, 32, 33A, 42A, 58, 61, 65, 67, 68**”:
- (b) “**74 to 77, and 134 to 143**” (page 9, line 6) with “**and 74 to 77 and Schedule 2A**”.

In *clause 2(2)*, replace—

- (a) “**11 to 22, 28, 29, 31A, 32, 33, 33A, 61, 65**” (page 9, line 8) with “**11 to 21, 25A, 28, 29, 31A, 32, 33A, 42A, 58, 61, 65, 67, 68**”:
- (b) “**74 to 77, and 134 to 143**” (page 9, line 9) with “**and 74 to 77 and Schedule 2A**”.

#### *Clause 5*

In *clause 5(6), paragraph (a)* of new definition of **tribunal**, delete “and that holds hearings at which persons appear in person to address the body” (page 11, lines 17 and 18).

#### *Clause 6*

In *clause 6(8), new section 3(5)(l)*, after “listed in this subsection” (page 12, line 8), insert “or designated by regulations as a court or tribunal to which this Act applies”.

#### *Clause 7*

In *clause 7*, replace *new section 11A(2)(a)* (page 12, lines 29 to 34) with:

**Proposed amendments to  
Courts Matters Bill**

SOP No 134

- (a) sections 12(2), 13(2), 14(1)(b), 15(4) and (5), **16(3)**, 17(4), 18(1)(b), **18A**, 19, **19A**, and 20(2) (which provide for the denial of entry to a person or their removal from a court, unless the person is allowed to enter or re-enter under section 22(1) or **22(1A)**, and the detention of a person who a court security officer has reasonable grounds to believe may have committed or attempted to commit a specified offence or in the circumstances set out in **section 19A**):

*Clause 9*

In *clause 9*, new *section 15A(2)*, replace “power” (page 13, line 16) with “powers”.

*Clause 13*

In *clause 13(6)*, new *section 20(6)(c)*, replace “illegal” (page 17, line 2) with “unlawful”.

*Clause 20*

After *clause 20(5)* (page 20, after line 9), insert:

- (5A) In section 28(6)(b), after “under”, insert “any of”.

*Clause 25A*

Replace *clause 25A* (page 20, lines 32 to 34) with:

**25A New section 5A inserted (Transitional, savings, and related provisions)**

After section 5, insert:

**5A Transitional, savings, and related provisions**

The transitional, savings, and related provisions set out in **Schedule 1AA** have effect according to their terms.

*Clause 32A*

In *clause 32A*, new *section 139(2)(c)*, after “are tried by” (page 24, line 4), insert “a”.

*Clause 54*

After *clause 54(3)* (page 32, after line 38), insert:

- (3A) In section 86A(8), replace “A determination” with “Unless **subsection (4A)** applies, a determination”.

In *clause 54(6)*, replace new *section 86A(9)(b)(ia)* (page 33, line 4) with:

- (ia) the chief executive under **section 86DA**:

*Clause 55*

In *clause 55*, new *section 86DA(4)(d)*, replace “**section 86DC(b)**” (page 34, line 4) with “**section 86DC(1)(b)**”.

In clause 55, new section 86DB(4)(c)(ii), replace “**section 86DC(b)**” (page 35, line 7) with “**section 86DC(1)(b)**”.

In clause 55, delete new section 86DB(5) (page 35, lines 9 to 11).

In clause 55, new section 86DC(1)(b), replace “preferred” (page 35, line 18) with “performed”.

#### Clause 60

In clause 60(1), replace “or **(2A)**” (page 37, line 19) with “, **(2A)**, or **(2B)**”.

#### Clause 61

In clause 61(2), new section 88AE(1)(ab), delete “100R or” (page 38, line 2).

#### Clause 86

In clause 86, new section 33(5)(a), replace “in which the proceeding for an offence is,” (page 44, line 9) with “for the time being having jurisdiction in the proceeding for an offence”.

In clause 86, new section 34(2), after “or substituted” (page 44, lines 36 and 37), insert “or imposed”.

In clause 86, new section 34(3), replace “in which the proceeding for an offence is,” (page 45, line 2) with “for the time being having jurisdiction in the proceeding for an offence”.

#### Clause 93

In clause 93, new section 47B(3)(da), replace “the Ministry for Children” (page 50, lines 23 and 24) with “Oranga Tamariki—Ministry for Children”.

#### Clause 95

In clause 95(2), new section 133(15)(c), replace “appropriate” (page 52, lines 2 and 3) with “appropriate.”.

#### Clause 102B

After clause 102B(2) (page 54, after line 10), insert:

- (3) In the Schedule, form 3, second paragraph, below the heading “**Can a court vary this order?**”, after “District Court Judge”, insert “or High Court Judge”.

#### Clause 135

Replace the heading to clause 135 (page 60, line 34) with “**New section 4A inserted (Transitional, savings, and related provisions)**”.

#### Part 4, new subpart 9A

After clause 143 (page 62, after line 38), insert:

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## Subpart 9A—Amendment to Senior Courts Act 2016

### 143A Principal Act

This **subpart** amends the Senior Courts Act 2016 (the **principal Act**).

### 143B Section 49 amended (Powers exercisable by Judges)

Replace section 49(3) with:

- (3) Any other application to or matter in the Court of Appeal (other than an appeal) may be heard and determined by a single Judge of the Court of Appeal.

### *Clause 149*

In the heading to *clause 149*, after “**Offenders**” (page 65, line 4), insert “**Rules 2014**”.

### *Schedule 1*

In *Schedule 1*, new *Schedule 1, Part 1, paragraph (e)*, replace “or deduction order,” (page 66, line 20) with “, a deduction order, or any voluntary payment arrangement entered into under section 86 or 86C.”.

## Explanatory note

This Supplementary Order Paper amends the Courts Matters Bill to alter some commencement dates, correct errors and omissions, and ensure consistency of expression.

In addition, *new subpart 9A of Part 4* restores the ability of a single Judge of a Court of Appeal to deal with both contested and uncontested ordinary interlocutory applications or ancillary judicial directions of the sort that section 61A of the Judicature Act 1908 enabled a single Judge of the Court of Appeal to determine.